

AMENDED IN ASSEMBLY AUGUST 23, 2004

**SENATE BILL**

**No. 1906**

**Introduced by Senator Sher**  
**(Coauthor: Senator Vasconcellos)**  
*(Coauthor: Assembly Member Cohn)*

March 8, 2004

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~~An act to amend Section 40433 of, and to add Section 40409 to, the Public Resources Code, relating to solid waste. An act to add and repeal Section 17463.6 of the Education Code, relating to public schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1906, as amended, Sher. ~~California Integrated Waste Management Board; advisors~~ *Surplus school property: use of proceeds: Santa Clara Unified School District.*

*Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.*

*Existing law requires a school district to use the funds derived from the sale of surplus property for capital outlay or for costs of maintenance of school district property that the governing board of the school district determines will not recur within a 5-year period. Existing law authorizes a school district having an average daily attendance of less than 10,001 in any fiscal year to deposit any and all interest earned on those funds into the general fund of the district if the district meets certain conditions.*

*This bill would, notwithstanding any other law, and until January 1, 2007, authorize the Santa Clara Unified School District to use the proceeds from the sale of surplus real and personal property, as provided, to deposit the proceeds into the general fund of the school district or county office of education, and to use the proceeds from that transaction for any one-time general fund purpose. If the purchase of the property was made using the proceeds of a general obligation bond act or revenue derived from developer fees, the bill would prohibit the amount deposited into the general fund of the school district or county office of education from exceeding the difference between the purchase price of the property and the proceeds of the transaction divided by the amount of the proceeds of the transaction, as defined.*

*This bill would declare that, due to the special circumstances applicable to the Santa Clara Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.*

~~Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated solid waste management program that is administered by the California Integrated Waste Management Board. Existing law requires the Governor to appoint one advisor for each member of the board upon the recommendation of the board member.~~

~~This bill would prohibit an advisor from collecting per diem or travel expenses for attending a meeting at the board headquarters or for traveling to or from the board headquarters. The bill would prohibit an appointed advisor from selecting an additional deputy or employee and would prohibit the board from expending any funds to pay the salary of a deputy or employee of an advisor. The bill would allow any deputy or employee of an advisor of a board member on January 1, 2005, to serve, and require that deputy or employee to be compensated, until the end of the term of the board member for that advisor.~~

~~The bill would also allow each board member to have one executive assistant who would be selected from the staff of the board employed prior to January 1, 2005, and who would be compensated in accordance with the board's policies and practices in effect on January 1, 2005.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

~~SECTION 1. Section 40409 is added to the Public Resources~~

*SECTION 1. The Legislature finds and declares all of the following:*

*(a) Santa Clara Unified School District sold properties surplus to their needs.*

*(b) The properties in question described in subdivision (a) were unsuitable for school district use or school construction purposes.*

*(c) The properties were purchased entirely with local funds.*

*SEC. 2. Section 17463.6 is added to the Education Code, to read:*

*17463.6. (a) Notwithstanding any other law, the Santa Clara Unified School District may use the proceeds from the sale of surplus real property, together with any personal property located thereon, if purchased entirely with local funds and may deposit the proceeds thereof into the general fund of the school district or county office of education for any one-time general fund purpose. If the purchase of the property was made using the proceeds of a general obligation bond act or revenue derived from developer fees, the amount of the proceeds of the transaction that may be deposited into the general fund of the school district or county office of education may not exceed the percentage computed by the difference between the purchase price of the property and the proceeds from the transaction, divided by the amount of the proceeds of the transaction. For the purposes of this section, proceeds of the transaction means either of the following, as appropriate:*

*(1) The amount realized from the sale of property minus reasonable expenses related to the sale.*

*(2) For any transaction that did not result in a lump-sum payment of the proceeds of the transaction, the proceeds of the transaction shall be calculated as the net present value of the transaction.*

*(b) The State Allocation Board shall reduce an apportionment of hardship assistance awarded to the Santa Clara Unified School District pursuant to Article 8 (commencing with Section 17075.10) by an amount equal to the amount of the sale of surplus real property used for a one-time expenditure of the school district pursuant to this section.*

1 (c) If the Santa Clara Unified School District exercises the  
2 authority granted pursuant to this section, the district is ineligible  
3 for hardship funding from the State School Deferred Maintenance  
4 Fund under Section 17587 for five years after the date of sale.

5 (d) Before the Santa Clara Unified School District exercises the  
6 authority granted pursuant to this section, the governing board of  
7 the school district shall first submit to the State Allocation Board  
8 documents certifying the following:

9 (1) The district has no major deferred maintenance  
10 requirements not covered by existing capital outlay resources.

11 (2) The sale of real property pursuant to this section does not  
12 violate any provisions of a local bond act.

13 (3) The real property is not suitable to meet any projected  
14 school construction need for the next 10 years.

15 (e) Before the Santa Clara Unified School District exercises the  
16 authority granted pursuant to this section, the governing board of  
17 the school district shall at a regularly scheduled meeting present  
18 a plan for expending one-time resources pursuant to this section.  
19 The plan shall identify the source and use of the funds and describe  
20 the reasons why the expenditure will not result in ongoing fiscal  
21 obligations for the district.

22 (f) This section is repealed on January 1, 2007, unless a later  
23 enacted statute that becomes operative on or before January 1,  
24 2007, deletes or extends the date on which it is repealed.

25 SEC. 3. The Legislature finds and declares that a special law  
26 is necessary and that a general law cannot be made applicable  
27 within the meaning of Section 16 of Article IV of the California  
28 Constitution because of the financial circumstances of the Santa  
29 Clara Unified School District.

30 Code, to read:

31 ~~40409. Notwithstanding any other provision of law, an~~  
32 ~~advisor shall not collect per diem or travel expenses for attending~~  
33 ~~a meeting at the board headquarters or for traveling to or from the~~  
34 ~~board headquarters.~~

35 SEC. 2. Section 40433 of the Public Resources Code is  
36 amended to read:

37 ~~40433. (a) The Governor shall appoint one advisor for each~~  
38 ~~member of the board upon the recommendation of the board~~  
39 ~~member. Each advisor shall receive a salary fixed by the board,~~  
40 ~~with the approval of the Department of Personnel Administration.~~

1 ~~(b) Except as provided by subdivision (c), an advisor appointed~~  
2 ~~pursuant to subdivision (a) shall not select an additional deputy or~~  
3 ~~employee. The board shall not expend any funds to pay the salary~~  
4 ~~of a deputy or employee of an advisor.~~

5 ~~(c) Any deputy or employee of an advisor of a board member~~  
6 ~~on January 1, 2005, may serve, and shall be compensated, until the~~  
7 ~~end of the term of the board member for that advisor.~~

8 ~~(d) Each board member shall have one executive assistant who~~  
9 ~~shall be selected only from the staff of the board employed prior~~  
10 ~~to January 1, 2005, and who shall be compensated in accordance~~  
11 ~~with the board's policies and practices in effect on January 1, 2005.~~  
12 ~~This subdivision does not authorize the board to create a new~~  
13 ~~position of executive assistant and to hire persons to fill that new~~  
14 ~~position.~~

